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MAY 02 2005

In re Application of:
Tsukasa Yajima
Serial No.: 09/768,271
Filed: January 25, 2001
For: SEMICONDUCTOR DEVICE HAVING
PROTECTIVE LAYER ON FIELD OXIDE

DECISION ON PETITION

This is a decision on the petition filed April 14, 2005, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned after the decision adverse to the applicant by the Board of Patent Appeals and Interferences (BPAI) rendered on February 15, 2005. A Notice of Abandonment was mailed on March 2, 2005.

Petitioner asserts that the Notice of Abandonment was improper and should be withdrawn since the two-month time period for seeking review of the decision of the BPAI or to commence a civil action did not expired until April 15, 2005. Also submitted along with the petition is a Request for Continued Examination (RCE) and a submission pursuant to 37 C.F.R. § 1.114.

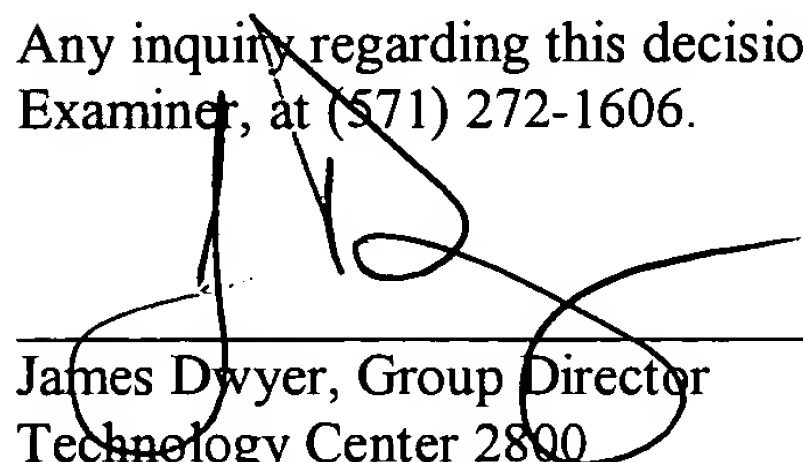
The record reveals that the Notice of Abandonment was prematurely issued before the period for seeking court review or commencement of a civil action expired. Further, the RCE filed April 14, 2005 was timely. Accordingly, the application is not abandoned in fact.

In view of the above-stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

It is noted that the address listed on the petition is different from the correspondence address of record. However, since petitioner has been receiving recent communications from the Office at the address of record and since no change of address has been received, communications from the Office will continue to be sent to the address of record until otherwise notified by petitioner.

The RCE will be processed and an action will be issued in due course.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.



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